

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

(1) FEDERAL DEPOSIT INSURANCE CORPORATION)	
as RECEIVER for FIRST NATIONAL BANK OF)	
DAVIS, DAVIS, OKLAHOMA,)	
)	
Plaintiff,)	
)	
VS.)	No. CIV-12-52-FHS
)	
(1) VICTOR E. GARRETT, III a/k/a TREY)	
GARRETT, an individual; et. Al.,)	
)	
Defendants.)	

ORDER

Before the court for its consideration is the Plaintiff FDIC's, Opposed Application to Modify Agreed Order Appointing Receiver of Real Estate (Doc. 154). In this motion the plaintiff has requested the court modify the Agreed Order Appointing Receiver of Real Estate, which was entered on June 15, 2012. Plaintiff requests that the Court modify the Order to require Arbuckle to remove all of the animals from the Real Estate at least thirty (30) days before the date that a Marshal's sale is set. The FDIC also requests that if the animals for any reason are not removed from the Real Estate at least thirty (30) days before the date a Marshal's sale is set, the Order be further modified. The requested modification would authorize the Receiver to take immediate possession of the animals and to sell them at a public auction with the additional requirement that the animals be removed from the property within 30 days of the auction to the highest bidder, with all proceeds going to Arbuckle, less the cost of conducting and administering the sale. Arbuckle Adventures LLC filed an objection arguing that the order did not need to be modified. The June order requires the removal of the

animals after the sale of the property.

The court has reviewed the pleadings filed in this matter. The court does not find a sufficient reason to make the requested modifications. Accordingly, the court denies the Opposed Application to Modify Agreed Order Appointing Receiver of Real Estate (Doc. 154).

IT IS SO ORDERED this 9th day of May, 2013.


Frank H. Seay
United States District Judge